

385-501A



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. OSI-112
Anticipated Classification of
this Application:
Class: 3309
Subclass: _____
Prior Application:
Examiner: J. Schmidt
Art Unit: 3309

CONTINUATION OR DIVISIONAL APPLICATION UNDER 37 CFR 1.60

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this New Application and the documents referred to as enclosed herein are being deposited with the United States Postal Service on this date June 5, 1997 in an envelope bearing "Express Mail Post Office To Addressee" Mailing Label Number EM370370893US addressed to: Box Patent Application, Assistant Commissioner for Patents, Washington, D.C. 20231.
HOWARD WONG

(Name of person mailing paper)

(Signature)

This is a request for filing a ☒ continuation ☐ divisional application under 37 CFR 1.60 of pending prior application 08/326,047 filed on October 19, 1994 of Robert R. Moore ET AL. for APPARATUS FOR ATTACHING SUTURE TO BONE, which is a Continuation of application no. 08/049,089, filed on April 16, 1993 of Robert R. Moore et al APPARATUS FOR ATTACHING SUTURE TO BONE, which is a Continuation-in-Part of application no. 395,604 filed June 8, 1992, issued as U.S. Patent No. 5,250,055.

1. ☒ Enclosed is a **COMPLETE COPY** of the prior application, including the oath or declaration as originally filed. A declaration verifying it as a true copy appears in ¶23 below. (See ¶13 for drawing requirements.)
2. Name of applicant(s) (as originally filed and as last amended) and current correspondence address of applicant(s):
Robert R. Moore, 1897 National Avenue, Hayward, CA 94545
Arnold K. Cohn, 1415 Meadow, Glenview, IL 60025

3. ☒ This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application are
☒ the same
☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted:

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4. ☒ The inventorship for all the claims in this application are
☒ the same
☐ not the same, and an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.
5. ☒ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 ☐ is enclosed ☒ was filed in the prior application no. 08/326,047 filed on October 19, 1994 and such status is still proper and desired (37 CFR 1.28(a)).
6. ☒ The filing fee is calculated below:

CLAIMS AS FILED IN THE PRIOR APPLICATION LESS ANY CLAIMS
CANCELLED BY AMENDMENT BELOW

CLAIMS AS FILED						
	CLAIMS REMAINING AFTER AMENDMENT OF § 10	CLAIMS ADDED BY PRELIMINARY AMENDMENT OF § 11	TOTAL CLAIMS FILED	NUMBER EXTRA*	RATE	BASIC FEE \$770
Total Claims	2	0	2	-20 = 0	× 22 =	\$0
Independent Claims	1	0	1	-3 = 0	× 80 =	\$0
<u>0</u> FIRST PRESENTATION OF MULTIPLE DEP CLAIM					+ 260 =	\$ 0
TOTAL						\$ 770
Small Entity 50% Filing Fee Reduction (if applicable)						\$385

* If the difference is less than zero, enter "0."

- ☒ A check in the amount of \$385 is enclosed.

AUTHORIZATION TO CHARGE ADDITIONAL FEES

- ☒ The Commissioner is hereby authorized to charge the following **ADDITIONAL** fees which may be required by this paper and during the entire pendency of this application to Account No. 12-1420. The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 12-1420. **A duplicate copy of this sheet is enclosed.**

- ☒ 37 CFR 1.16 (filing fees)
☒ 37 CFR 1.16 (presentation of extra claims)
☐ 37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
☐ 37 CFR 1.17 (application processing fees)
☐ 37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311(b)).

9. INSTRUCTIONS AS TO OVERPAYMENT

- ☒ credit Account No. 12-1420
☐ refund

10. ☒ Cancel in this application original Claims 3, 4, 5 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes).
11. ☐ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered originally claimed in the prior application.)

12. [X] RELATE BACK - 35 USC 120: Amend the specification by inserting before the first line the sentence:

--This is a [X] continuation [] divisional of Application no. 08/326,047, filed October 19, 1994, which

is a Continuation of application no. 08/049,089 filed April 16, 1993, which is a Continuation-in-Part

of Application No. 07/895,604, filed June 8, 1992, now U.S. Patent No. 5,250,055.--

[Note to form user: lines for item 12 are intentionally spaced to permit Examiner amendments.]

13. DRAWINGS

- [] Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May only be used if signed by person authorized by 37 CFR 1.138 and before payment of base issue fee.)
- [X] New formal drawings are enclosed.

PRIORITY

- [] Priority of application no. _ filed on _ in _ is claimed under 35 USC 119.
- [] The certified copy of the priority application has been filed in prior application no. _ filed on _.

ASSIGNMENT

- [X] The prior application is assigned of record to Orthopedic Systems Inc.; Assignment recorded in PTO on June 21, 1993, Reel 6579 Frame(s) 0369.
- [] The prior application is assigned, and the assignment (copy attached) was submitted to PTO for recording on _.
- [] An assignment of the invention to is attached. A copy of Form PTO-1595 (Recordation Cover Sheet) is also attached.
- [X] The power of attorney in the prior application is to the members of the firm of LIMBACH & LIMBACH L.L.P., 2001 Ferry Building, San Francisco, California, 94111, including Kathleen A. Frost, Reg. No. 37,326.
- a. [X] The power appears in the original papers in the prior application.
- b. [] Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. [] A new power has been executed and is attached.
- d. [x] Address all future communications to LIMBACH & LIMBACH L.L.P., Attn: Kathleen A. Frost, 2001 Ferry Building, San Francisco, California, 94111.

17. STATEMENT UNDER 37 CFR 3.73(B) (certification of title in assignee, if applicable, see MPEP 324)

- [] A statement satisfying the requirements of 37 CFR 3.73(b)
- [] is attached.
- [] was filed in the prior application.
- [] A copy of the statement previously filed in the prior application is attached.

18. [] An Information Disclosure Statement is enclosed with Form PTO-1449 (modified).

19. [] Enclosed is a Statement Requesting Deletion of Names of Persons Who are No Longer Inventors.

20. MAINTENANCE OF COPENDENCY OF PRIOR APPLICATION

(This item must be completed and the necessary papers filed in the prior application if the period set in the prior application has run).

- [] A petition, fee and response has been filed to extend the term in the pending prior application until _.
- [] A copy of the petition for extension of time in the prior application is attached.

21. **CONDITIONAL PETITIONS FOR EXTENSION OF TIME IN PRIOR APPLICATION**

(Complete this item and file conditional petition in prior application if previous item (20) not applicable).

- ☐ A conditional petition for extension of time is being filed in the pending prior application.
- ☐ A copy of the conditional petition for extension of time in the prior application is attached.

22. **ABANDONMENT OF PRIOR APPLICATION**

- ☐ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application copending with said prior application.

23. ☒ I hereby verify that the attached papers are a true copy of prior complete application no. 08/326,047 and no amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein.

The undersigned declares further that all statements made herein of his or her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

LIMBACH & LIMBACH L.L.P.

By:

Kathleen A. Frost
Kathleen A. Frost
Registration No. 37,326
Attorney(s) or Agent(s) of Record

5, 1997